

## 48A C.J.S. Judges § 101

Corpus Juris Secundum | August 2023 Update

### Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

## IV. Standards of Conduct; Restrictions and Prohibitions


### B. Nature of Conduct Proscribed or Prohibited

#### 2. Political Activity

### § 101. Activity involving spouse

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Judges](#)  [11\(1\)](#), [11\(2\)](#), [21](#)

**The prohibition on judicial political activity is generally not applicable to a judge's spouse.**

The prohibition on judicial political activity is generally not applicable to a judge's spouse.<sup>1</sup> A judge's spouse may contribute to the campaign of a candidate who is not the judge.<sup>2</sup>

The use of any part of the marital assets in the political forum is also to be avoided.<sup>3</sup> A judge has a duty to discourage his or her spouse from using property held by them as joint tenants or under a homestead right in a political matter because ethics canons require the judge to avoid the appearance of impropriety.<sup>4</sup>

Purporting to make a political contribution in the name of a spouse, with knowledge that the contribution by the judge is in direct violation of judicial canon, is improper.<sup>5</sup>

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

## Footnotes

- 1 Okla.—Judicial Ethics Opinion 2000-7, 2000 OK JUD ETH 7, 73 P.3d 262 (Okla. Jud. Eth. 2000).  
**Every precaution to be taken**  
Although a judge's spouse may engage in political activity, every precaution should be taken to assure that the judiciary itself shall continue its careful separation from the direct or indirect involvement in politics.  
N.J.—Application of Gaulkin, 69 N.J. 185, 351 A.2d 740 (1976).
- 2 Okla.—Judicial Ethics Opinion 2000-7, 2000 OK JUD ETH 7, 73 P.3d 262 (Okla. Jud. Eth. 2000).
- 3 N.J.—Application of Gaulkin, 69 N.J. 185, 351 A.2d 740 (1976).
- 4 Okla.—Judicial Ethics Opinion 2000-7, 2000 OK JUD ETH 7, 73 P.3d 262 (Okla. Jud. Eth. 2000).
- 5 Ind.—Matter of Sallee, 579 N.E.2d 75 (Ind. 1991).

---

End of Document

© 2023 Thomson Reuters. No claim to original U.S.  
Government Works.